

**ANDOVER BOARD OF HEALTH**

**Minutes**

**February 8, 2010, 6 P.M.**  
**1st Floor Conference Room**  
**36 Bartlet Street**

The Board of Health meeting was called to order at 6:01 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

**I. Approval of Minutes**

• **Regular Meeting of December 14, 2009**

*Motion by Ms. Martin seconded by Ms. Kellman to approve the Minutes of the Meeting of December 14, 2009 with the following correction:*

- On page 6, at the beginning of the second sentence, change “Attorney MacLeod” to “Mr. MacLeod”.

*Unanimous approval.*

• **Regular Meeting of January 11, 2010 –**

*Motion by Ms. Martin seconded by Dr. Miller to approve the Minutes of the Meeting of January 11, 2010. Unanimous approval.*

**III. Appointments & Hearings**

- **6:00 p.m. – Atty. William Bougioukas for 294 North Main Street, Appeal of Orders (Continued)** – Attorney Michael Gerstein was present to represent the Estate of James Bougiaukas. Mr. Carbone reiterated that landlord, William Bougioukas, passed away. Attorney James Bougioukas, son of the deceased, asked for a continuance of the Appeal of Orders to the Board of Health Meeting on February 8<sup>th</sup>, 2010, so that a temporary Administrator could be assigned. Robert Holloway was assigned as the temporary Administrator and Attorney John Whistler forwarded all the paperwork concerning this health issue to Attorney Gerstein for him to handle the case. Attorney Gerstein stated that there is also a housing court case for eviction that is pending because he was just appointed to act on this matter. Ms. Martin asked if the two issues were related because the house was uninhabitable. Mr. Carbone responded that he had not made the determination that it was not habitable. Daniel Tremblay, Health Inspector, went to the apartment and saw mold and evidence of chronic dampness, which initiated the violation; however, Mr. Tremblay did not think the conditions were bad enough for the property to be considered uninhabitable. Usually the Board would state a reasonable time frame for the cleanup, such as thirty days.

Attorney Gerstein informed the Board that the tenant may move out and stated that a thirty-day timeframe should be sufficient. Mr. Carbone recommended that the Board continue the Appeal of Orders to the regularly scheduled Board of Health Meeting on Monday, March 8, 2010 with a requirement that a written plan be submitted to the Board at that time. Dr. Miller stressed that Attorney Gerstein make sure the mold issue was not affecting the tenant's health.

*Motion by Dr. Miller, seconded by Ms. Martin, to continue the Hearing to the regularly scheduled Board of Health Meeting on March 8, 2010, contingent upon submittal of a cleanup plan. Unanimous approval.*

#### **IV. Discussion**

- **H1N1 Response** – Mr. Carbone presented the Board with thank you letters to sign for the six Andover High School students who volunteered to play with the children at the H1N1 Flu Clinic on January 19, 2010 at the Old Town Hall. Their help with keeping the children occupied was greatly appreciated. Mr. Carbone informed the Board that appointment-only Flu Clinics have been planned for January 23, 2010, taking two people every five minutes. There is still a demand and now there is a lot of vaccine available. So far the H1N1 flu has been on a downturn, but there could be a third wave of illnesses. Mr. Carbone spoke with a teacher at the Wood Hill Middle School and suggested the children look at absentee rates over the past three years to see if the interventions that have been suggested, such as frequent hand washing and sneezing into your sleeve, had an impact on this year's absenteeism. Mr. Carbone stated that the flu vaccinations could continue until the end of February, because we could still have an outbreak in April or even in May.

#### **V. Old Business**

- N/A

#### **VI. Definitive Subdivision Plans**

- N/A

#### **VII. Plan Review**

##### **A. D.W.R.P. Variances/Local Upgrade Approvals (LUA):**

- **7 Dean Circle – LUA to Allow SAS to be 15' from Foundation (20' required), Allow SAS to be 4' from Water Table (5' required), Allow Tank to be 87' from the BVW (100' Required) and Allow the Pump Chamber to be 83' from a BVW (100' Required)** – Mr. Carbone explained to the Board that the Engineer was trying to keep the septic system out of the 100' buffer zone of the wetland as well as was trying not to have to cut down several trees. Originally the plan was

different, but Mr. Carbone asked the Engineer to redesign the tanks so the piping was in a straight line so as not to cause backup.

*Motion by Dr. Miller, seconded by Ms. Kellman to approve the LUA to allow SAS to be 15' from foundation (20' required), allow SAS to be 4' from water table (5' required), allow tank to be 87' from the BVW (100' Required) and allow the pump chamber to be 83' from a BVW (100' required). Unanimous Approval.*

## **VII.**

### **Staff Reports**

#### **A. Director's Report:**

- **Important Dates:**

- **February 12<sup>th</sup> – Dan Tremblay's Retirement Date** - Mr. Carbone informed the Board that after February 12, 2010, Mr. Tremblay would be starting on a part-time schedule as Health Inspector.
- **February 18<sup>th</sup> – MDEP Seminar in Wilmington**
- **March 8<sup>th</sup> @ 6 p.m. – Board of Health Meeting**
- **April 12<sup>th</sup> @ 6 p.m. – Board of Health Meeting**

**B. Nurses' Report for January, 2010** –The Nurses' report was for informational purposes only.

**C. Inspectors' Reports for January, 2010** – The Inspectors' Reports were for informational purposes only.

## **VIII. Board Member Reports**

- **Kirkland Drive Update** – Ms. Martin asked Mr. Carbone if there was any update on the situation at 27 Kirkland Drive. Mr. Carbone told the Board that he stopped by last week but no one answered the door. He plans on speaking with Town Counsel again about the situation.
- **38 Michael Way Update** – Mr. Carbone informed the Board that there is an outstanding ORDER for Ms. Odle, but he has not yet been able to enter the property.

## **IX. Adjournment**

*Motion by Ms. Martin, seconded by Dr. Miller to adjourn at 6:36 p.m. Unanimous approval.*